

# **MINUTES OF COUNCIL REGULAR MEETING – AUGUST 12, 2008**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, AUGUST 12, 2008, AT 6:30 P.M., IN THE CITY COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

## **THE FOLLOWING MEMBERS WERE PRESENT:**

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

## **STAFF PRESENT:**

Paul Isaac, Assistant City Manager  
Jim Welch, Finance Director  
Richard Catten, City Attorney  
Kevin Astill, Parks and Recreation Director  
Buzz Nielsen, Police Chief  
John Evans, Fire Chief  
Joseph Moore, CED Director  
Layne Morris, Community Preservation Director  
Dan Johnson, Acting Public Works Director  
Aaron Crim, Administration  
Jake Arslanian, Public Works Department  
Phil Markham, Public Works Department  
Gary Dunn, Finance Department  
Cindy Hobbs, Finance Department  
Margo Hoyt, CED Department  
Jason Eriksen, Parks and Recreation Department  
Kelly Simper, Parks and Recreation Department

## **OTHERS PRESENT:**

Salt Lake County Councilmember David Wilde

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### 14153 **OPENING CEREMONY**

The Opening Ceremony was conducted by Carolynn Burt who invited Officer Shane Matheson to introduce the newest member of the Police Department's K-9 unit, "Copper," a Bloodhound puppy. Officer Matheson addressed the City Council and discussed how the dog would be used and the duties he would perform.

### 14154 **SCOUTS**

Mayor Nordfelt welcomed Scout Troop Nos. 1404 and 96 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

### 14155 **APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 15, 2008**

The Council read and considered the Minutes of the Regular Meeting held July 15, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held July 15, 2008, as written. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

### 14156 **EMPLOYEE OF THE MONTH AWARD FOR JULY 2008 – PHIL MARKHAM, PUBLIC WORKS DEPARTMENT**

Councilmember Rushton read the nomination of Phil Markham, Public Works Department, to receive the Employee of the Month Award for July 2008. Mr. Markham had been nominated for his team management skills and for making many building improvements, among other accomplishments.

The City Council expressed appreciation to Mr. Markham and congratulated him on receiving the Employee of the Month award.

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### 14157 **SAMOAN HERITAGE BOARD OF UTAH**

Mayor Nordfelt invited members of the Samoan Heritage Board of Utah to address the City Council.

Okesene Ale, President of the Samoan Heritage Board of Utah, addressed the City Council. Mr. Ale expressed appreciation to the City Council and City staff for allowing celebration of their heritage festival at Centennial Park for the fourth year in a row. He expressed appreciation to Councilmember Burt for attending and participating in their event. He requested continued support of the event in the future. Mr. Ale also stated that during a ceremony at the close of the event, a memorial to the late Senator Ed Mayne had been unveiled. He indicated it was their hope the memorial could be displayed at the Utah Culture Celebration Center. Mr. Ale presented a clock to the City Council in Senator Mayne's memory.

Mayor Nordfelt thanked the Samoan Heritage Board for the gift and for their contribution to the West Valley City community.

### 14158 **COMMENT PERIOD**

Upon inquiry and recognition by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Lee Giles, 2559 So. Derby Street, "Chesterfield USA," addressed the City Council. Mr. Giles handed copies of ordinances to the City Manager, which he stated were being ignored in the Chesterfield area of the City. He showed photographs of violations in the area regarding fences, graffiti, weeds, and junk cars. He indicated he had written letters to the Council many times, but had not received a response. Mr. Giles stated the ordinance enforcement officers and cops did not have time to take care of violations because they were too busy harassing his son and other members of his family. He questioned why the junk cars and weeds could not be taken care of and inquired if anyone on the Council cared about the Chesterfield area. He stated the residents were proud of that area and TRAX was coming through which would be good. He indicated there had been many improvements, but from the very beginning, there had been fights between the City, staff and his family. He also stated residents wanted respect from the City and to have the area cleaned up. He indicated they needed the City to help and to care, as they were part of the City too. Mr. Giles stated there were good laws, but police departments all over the Valley had harassed him and it was ruining his life. He indicated police officers go in and kick people's doors in and there was a constant battle with some of the neighbors and their junk cars. He further indicated there were some crooked cops out there. He asked for help from the City.

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Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise asked the City to enforce the “word of law.” He reminded that he previously submitted a petition signed by his neighbors requesting something be done about speeding in their neighborhood. He stated stop signs, speed limits and other laws should be obeyed. Mr. Wise indicated he understood the City had limited resources, but there were all sorts of speed traps set up in other areas of the City. He cited examples of the problems in his area and stated people were moving out because of the problems in the City. He discussed problems with illegal immigration and stated that should be enforced in the City. He indicated all elected officials took an oath to uphold the Constitution and that was part of it. He further discussed a proposed ordinance to allow chickens in residential areas and expressed objections to raising chickens in zones other than agricultural. He also inquired who actually enforced the ordinances on the books, as he felt the police and ordinance enforcement officers did not.

Alvin E. Webb, 3707 Sherington Drive, addressed the City Council. Mr. Webb stated he had lived in his neighborhood for eight years. He expressed concern regarding increased crime and tagging on fences. He stated he had a beautiful home with a nice concrete fence, but it had been tagged. Mr. Webb indicated he had called the police and an officer responded. He stated he was given 24 hours to remove the graffiti or be cited for the offence. Mr. Webb stated he was not happy about that. He reported he was then tagged again two weeks ago. He indicated it took time and money for supplies to remove the graffiti. He stated he had again been tagged recently and expressed the need for some proactive measures regarding this issue. He stated property owners should not be given citations, as they were not the ones who tagged. He also discussed the value of his home and stated the Police Department needed to be more proactive. He stated he was fed up and something needed to be done to prevent the violations from occurring.

Necia Christensen, 4196 South 4000 West, addressed the City Council. Ms. Christensen stated she had heard some complaints this night, but she desired to compliment City staff, especially the Public Works Department. She discussed problems with a sidewalk due to the recent heavy rainstorm and expressed appreciation to the City for resolving the problem in a timely manner.

14159

### **PUBLIC HEARING, PUBLIC INPUT REGARDING FINAL BUDGET FOR WEST VALLEY CITY FOR FISCAL YEAR BEGINNING JULY 1, 2008, AND ENDING JUNE 30, 2009**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding the Final Budget for West Valley City for fiscal year beginning July 1, 2008, and ending

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June 30, 2009. He discussed proposed Resolution No. 08-215 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Resolution No. 08-215 which would adopt a Final Budget; make appropriations for the support of West Valley City for fiscal year beginning July 1, 2008, and ending June 30, 2009; and determine the rate of tax and levying taxes upon all real and personal property within West Valley City, Utah, taxable by law for the year 2008.

Mr. Pyle stated the proposed resolution would set a tax rate for general property taxes at .0033544, which was greater than the certified tax rate set by the Salt Lake County Auditor's Office (.003016), and would adopt the Final Budget for the 2008-2009 fiscal year.

The City Manager indicated there had been questions and clarification requested from members of the City Council regarding property tax, truth in taxation laws, and judgment levy. He stated a memorandum including information regarding those issues had been previously distributed to members of the Council.

City Manager, Wayne Pyle, addressed the City Council and discussed background information regarding the annual budget process resulting in a final budget being adopted by the City Council. Mr. Pyle directed the Finance Director, Jim Welch, to present an overview and summary of the budget, after which, additional information would be provided by the City Manager.

Using PowerPoint, the Finance Director, Jim Welch, discussed and presented information summarized as follows:

### Budget Objectives FY 2009

- Legal requirements
- Reflect Council objectives
- Blueprint for government operations
- Matches available resources to essential City services
- Maintain adequate reserves
- Promotes efficiency in government
- Prepared to GFOA standards
- Public disclosure

Budget process, calendar and significant dates

Expenditure projections

- Strategic planning

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- Service levels

Budget comparison/General Fund

Chart – Revenue distribution FY 2009

Selected revenue sources

Expenditure distribution FY 2009

Significant expenditures

- New fire equipment
- Wages and benefits
- Fleet replacement
- Parks maintenance building
- New animal shelter
- West Ridge site preparation
- Public Works projects

City Manager, Wayne Pyle, and Finance Director, Jim Welch, answered questions from members of the City Council.

Mr. Pyle advised that though the Finance Director usually conducted the presentation and overview of the budget each year, he desired to present further explanation since a property tax increase had been proposed this year.

Using PowerPoint, City Manager, Wayne Pyle, presented and discussed information summarized as follows:

- Certified tax rate detail
- Changes funded without tax increase
- Present and future needs not recommended in this fiscal year
- Program modification recommendations (one time expenditures or funded by proposed tax increase)

City Manager, Wayne Pyle, expressed appreciation for the citizens in attendance and stated he looked forward to comments made during the public hearing.

Mayor Nordfelt opened the public hearing.

Ross Lanell, 5330 West Delfina Court, addressed the City Council. Mr. Lynell stated he was appalled there were so few citizens in attendance at the meeting to

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express concern regarding taxes. He indicated he had been forced to take a part-time job to keep up with the cost of living during his retirement years. He expressed appreciation for the City's public safety efforts, but stated taxes had gone up in the last couple of years. He also discussed fees for the mandatory recycling program and storm water that had been imposed by the City. He requested clarification regarding certain numbers on his tax notice.

City Manager, Wayne Pyle, advised the amount on Mr. Lynell's tax notice reflected the ATK judgment levy discussed during the above presentation.

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise stated back when AlliantTech (ATK) was named Hercules there had been a moratorium on building with a promise to put in a park in his area. He stated the park had never been built. He discussed the value of his property versus the value of the proposed park property owned by ATK. He also stated that in May the proposed increase had been \$12, but his was \$19. He explained in his opinion, City services such as street sweeping, snow plowing and others had declined. He indicated there needed to be something better for the neighborhoods of the City. He stated current codes needed to be enforced and equally across the board.

City Manager, Wayne Pyle, discussed certain issues regarding service levels raised by Mr. Wise including the efforts made by staff to address them.

Mel Shields, 3365 Meadowbrook Drive, addressed the City Council. Mr. Shields stated he had lived in his home for 17 years. He indicated he and his wife were both semi-retired and had part-time jobs. He stated they had tried to make their household budget meet income levels. He stated he wondered if their income would be enough to sustain them in the future. Mr. Shields indicated the cost of maintaining City services had seen a dramatic increase, but so had family budgets. He explained that increase had been exaggerated due to high cost of gasoline, natural gas and, most recently, electricity. He stated he understood that citizens needed to pay for the services received. He inquired regarding West Valley City's tax rate compared to other cities of similar size. He noted that once property tax was increased it never went back down. He stated oil was currently below \$114 a barrel, but gasoline was still well over \$4.00 per gallon. He also stated, on the positive side, the City's public safety departments did a wonderful job.

Councilmember Winder responded to a question regarding West Valley City's tax rate compared to certain other cities.

Councilmember Coleman explained the truth in taxation process.

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Don Stevens, 4330 Mark Read Street, addressed the City Council. Mr. Stevens stated he was a retired person. He discussed the truth in taxation notice for Salt Lake City and compared it with the amount on the tax notice for his home in West Valley City. He indicated taxes seemed to go up, but service levels went down. He also discussed examples of inadequate road improvements such as slurry seal and ruts in the road, especially on 4100 South. He cited examples of problems with snowplow drivers leaving piles of snow for neighbors to dig out. He stated he thought a close look should be taken at the burden on senior citizens, as they could not keep up with increased cost of living and taxes. He stated he was in the process of looking for a part-time job.

Councilmember Brooks addressed some comments regarding service levels and stated City departments were using benchmarking to measure performance.

Councilmember Vincent pointed out there were many taxing entities and amounts listed on tax notices and the City was not the only one listed.

Mike Markham, 3008 West Alice Circle, addressed the City Council. Mr. Markham advised he had reviewed his tax bill and if he took out the judgment levy regarding ATK most of his increase was from other entities. He stated he supported the City Manager's tax increase proposal when attending the public hearing in May. He stated he saw results of City services in his neighborhood and commended the City for the great job.

Jim Lay, 5083 Elma Street, addressed the City Council. Mr. Lay stated he had lived in the City for 23 years and he and his wife had done many things to support the community and schools in the area. He indicated he was familiar with the government in Salt Lake County and West Valley City. He stated two years ago at a public hearing regarding the last tax increase he expressed concerns regarding how taxes impacted citizens. He questioned if the Council had asked themselves what were the core obligations the City had to the taxpayers. He questioned how monies were spent and what was meant by improving the City. He also questioned if City facilities were revenue generators. Mr. Lay stated he would support a tax increase if it were for increased public safety. He indicated there were tagging and other issues in his neighborhood and he discussed an example of a specific incident. He stated public safety was a big concern for many residents and should be of greater importance than beautification or other improvements. He requested the Council be mindful of those who were having a hard time financially in these difficult times.

Councilmember Vincent commented that the Council asked themselves many questions every year during the budget process.



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Alvin E. Webb, 3707 Sherington Drive, addressed the City Council. Mr. Webb apologized to the Council stating he did not very often get angry. He stated he did not mean to take a negative approach during his earlier comments. He suggested the need for looking at more than just our own neighborhoods and helping each other. Mr. Webb also discussed his involvement in scouting and stated groups were always looking for projects.

Lewis Pike, 3822 South 6620 West, addressed the City Council. Mr. Pike stated he had lived in the City a long time and worked for the Murray School District. He further stated when the City decided to have an increase in ordinance enforcement efforts someone came to his house. He stated he apologized for the way his lawn looked as what was supposed to be weed killer ruined his entire lawn. He indicated he raised birds and was told that would be fine, but now neighbors had issues with it. He stated the ordinance enforcement officer cited him for weeds, but they were really tomato plants growing in his side yard. He expressed concern regarding contact with the ordinance enforcement officer. He indicated if he had to move out of the City because of his birds he would, but most of his neighbors had never had a problem with it. He indicated he had a permit to raise birds for show, and spent lots of hours with scout groups and students who wanted to learn about the birds. Mr. Pike further indicated he kept the pens clean so they would cause a problem. He stated he sold some of the birds to Tracy Aviary and Hogle Zoo. He also stated taxation was why his ancestors left England to come here.

Mayor Nordfelt discussed changes in the City evolving over time; and stated ordinances and laws became necessary to address growth and progress.

Sandy Bergman, 4426 Jaden Cove, addressed the City Council. Ms. Bergman stated she had come to the meeting to listen to the presentation and better understand the issues. She requested clarification regarding the ATK judgment levy issue and if that increase would drop off the taxes the next year.

Chris Newman, 3873 Cilma Circle, addressed the City Council stating she was a resident of West Valley City and former employee of ATK. She requested clarification regarding the location of ATK property as it related to the boundary of West Valley City and the amount of taxes they paid.

Mayor Nordfelt explained the truth in taxation and answered Ms. Bergman's question.

Councilmember Coleman requested the ATK judgment levy be explained further after the public hearing closed.

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City Manager, Wayne Pyle, gave further explanation of the certified tax rate, revenues collected by the City, one-time hit to the City, Salt Lake County and Granite School District from the ATK judgment levy and capturing that amount.

David Wilde, Salt Lake County Councilmember, addressed the City Council. Mr. Wilde discussed two issues on the County agenda this date that could have an impact on property taxes – the zoo bond and the County jail. He stated he appreciated hearing concerns expressed by citizens in this public hearing. He indicated a desire to let everyone know there were potential avenues for relief and suggested to read the tax notice carefully and make appropriate contacts to request relief or exemption.

Chris Newman, 3873 Cilma Circle, addressed the City Council. Mr. Newman stated he was a resident of the City and former employee of ATK. He requested clarification regarding the location of ATK property and taxes.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Mayor Nordfelt recessed the meeting at 8:49 P.M. and reconvened the meeting at 9:00 P.M.

Mayor Nordfelt opened the floor to discussion, questions and comments by members of the Council.

Councilmember Winder stated he desired to view the color-coded map comparing West Valley City's tax rate to other communities. As requested, the map was displayed on the screen for everyone to view. City Manager, Wayne Pyle, explained the information shown on the map, including proposed tax increases for some cities including West Valley City.

Councilmember Coleman requested clarification regarding the ATK judgment levy. City Manager, Wayne Pyle, responded and reiterated comments made earlier in the Study Meeting by Senator Stephenson on behalf of the Utah Taxpayer's Association. Upon inquiry, City Attorney, Richard Catten, explained the applicable section in the State Code regarding capturing the judgment levy and the certified tax rate.

Councilmember Winder inquired how much money was in the fund balance above the minimum required by State law. City Manager, Wayne Pyle, and Finance Director, Jim Welch, answered questions regarding the minimum percentage of budget required in the fund balance and the percent the City has currently.

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Councilmember Vincent requested the City Manager to show the certified tax rate detail slide.

Mayor Nordfelt summarized options for the City Council to consider regarding the judgment levy, personal property tax and proposed increase for program modifications. Members of the City Council made individual comments and expressed opinions regarding those options.

City Manager, Wayne Pyle, stated the Council would not be “steered” in one direction or another, but he requested they remember there were many capital needs that had not been funded as discussed in the earlier presentation. He answered questions from members of the City Council.

Councilmember Vincent expressed the need to look at the situation the same way as individual and personal budgets and the effect of unexpected expenses on future plans and purchases. He stated everyone was hurting in today’s economy and the City should do the minimum required to maintain the standard in the City.

Councilmember Rushton stated this was a procedural question as there were three separate issues to consider.

City Attorney, Richard Catten, suggested language to be considered in making a motion.

Councilmember Brooks stated the City Council made a decision some time ago that one time money would go to capital improvements and not be put into the fund balance, so the fund balance might not increase in the future.

Councilmember Winder inquired regarding consequences of going below the minimum requirement for fund balance. City Manager, Wayne Pyle, answered questions and stated that might adversely affect the City’s bond rating.

Councilmember Rushton stated if it was desired to do things above and beyond then the fund balance should be used, but the judgment levy should be captured to make the tax base fair and right.

Mayor Nordfelt stated he was on a fixed income and the cost of living was steadily increasing and those on fixed incomes were hurt when that happened. He also stated it was not just those on fixed incomes that were affected because these are difficult financial times.

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Councilmember Winder stated times were tough and people were hurting, but businesses looked at tax rates when considering locating in or expanding in the City. He further stated high tax rates affected economic development. He indicated West Valley City was one of the higher taxed cities in the Salt Lake Valley and if that was not the case he might feel differently. He expressed the need to be fiscally conservative and make due with what existed for the future. He indicated it made sense to use fund balance for the one-time hit of judgment levy this year. He stated if the program modifications were not adopted then staff would adjust by tightening the City's belts.

In turn, City Council members stated their position regarding capturing the judgment levy and proposed tax increase to cover personal property and/or program modifications.

City Manager, Wayne Pyle, and City Attorney, Richard Catten, clarified various issues and discussed sections of the State Code.

**ACTION: RESOLUTION NO. 08-215; ADOPTING A FINAL BUDGET; MAKING APPROPRIATIONS FOR THE SUPPORT OF WEST VALLEY CITY FOR FISCAL YEAR BEGINNING JULY 1, 2008, AND ENDING JUNE 30, 2009; AND DETERMINING THE RATE OF TAX AND LEVYING TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN WEST VALLEY CITY, UTAH, TAXABLE BY LAW FOR THE YEAR 2008**

The City Council previously held a public hearing regarding proposed Resolution No. 08-215 which would adopt a Final Budget; make appropriations for the support of West Valley City for fiscal year beginning July 1, 2008, and ending June 30, 2009; and determine the rate of tax and levy taxes upon all real and personal property within West Valley City, Utah, taxable by law for the year 2008.

After discussion, Councilmember Brooks moved to adopt Resolution No. 08-215 and thereby adopt a final budget and tax rate for the City, with the following modifications to the resolution as originally written: 1) the proposed tax increases to fund program modifications and to recoup the personal property tax collections are approved as set forth in the budget, however, collection of the judgment levy is not approved and is not to be collected by the City. The final budget shall indicate the amount of property tax revenue that would be expected if there was no judgment levy so that future tax levies are not affected, however the budget shall also be amended to indicate that the City will use a portion of the Reserve Fund to fund any shortfalls caused by the loss of the judgment levy income; and 2) that the tax rate in the Resolution is adopted with the understanding that, if necessary, the tax rate shall be reduced by the amount necessary to reflect the fact

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that the judgment levy will not be collected by the City and that the City staff shall bring a replacement resolution back for consideration by the City Council upon the recalculation of the tax rate by Salt Lake County. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	No
Ms. Burt	Yes
Mr. Winder	No
Mr. Rushton	No
Mayor Nordfelt	Yes

Majority.

14160

**PUBLIC HEARING, APPLICATION NO. GP-4-2008, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND THE WEST VALLEY CITY GENERAL PLAN TO UPDATE THE MODERATE INCOME HOUSING PLAN**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GP-4-2008, filed by West Valley City, requesting to amend the West Valley City General Plan to update the Moderate Income Housing Plan. He discussed proposed Ordinance No. 08-37 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-37 which would adopt the Updated Moderate Income Housing Plan as part of the West Valley City General Plan.

Mr. Pyle stated the Moderate Income Housing Plan identified the need for moderate income housing and outlined how the City would meet that need. He indicated this plan was required by State law. He further indicated moderate income housing was currently defined in Utah Code 10-9a-103(21) as “housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.”

The City Manager explained the City’s first Moderate Income Housing Plan had been adopted in 1999, with an update approved in 2005.

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Mr. Pyle stated the primary findings from the proposed Plan update were that West Valley City had sufficient housing for households earning between 80% to 50% of the Salt Lake County median household income. He indicated the City was only deficient in housing for households earning 30% or less of the median income; hence, the actions in the Plan focused on housing for this segment of the population.

Mayor Nordfelt opened the public hearing.

Scott Warr, 3154 South 3600 West, addressed the City Council. Mr. Warr stated he had reviewed this matter and did not have major concerns. He indicated he questioned the median income numbers and how housing could be accommodated. He also questioned if the City should be identifying ways to move people into a higher income bracket in order to have greater ability to support themselves.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

### **ACTION: ORDINANCE NO. 08-37, ADOPTING THE UPDATED MODERATE INCOME HOUSING PLAN AS PART OF THE WEST VALLEY CITY GENERAL PLAN**

The City Council previously held a public hearing regarding Application No. GP-4-2008, filed by West Valley City, and proposed Ordinance No. 08-37 which would adopt the Updated Moderate Income Housing Plan as part of the West Valley City General Plan.

After discussion, Mr. Coleman moved to approve Ordinance No. 08-37, an Ordinance Adopting the Updated Moderate Income Housing Plan as Part of the West Valley City General Plan. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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14161      **RESOLUTION NO. 08-216, APPROVE AGREEMENT WITH KENYON CONSULTING, INC. FOR ADMINISTRATION OF THE LOAN AND REHABILITATION ASSISTANCE PROGRAMS**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-216 which would approve an agreement with Kenyon Consulting, Inc. for administration of the Loan and Rehabilitation Assistance Programs.

Mr. Pyle stated in the past few years the market for qualified contractors had dwindled in response to contracting for rehabilitations. He indicated it would benefit City residents to expand the pool of qualified contractors and receive competitive bids on rehabilitations.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-216, a Resolution Authorizing the Execution of an Agreement between West Valley City and Kenyon Consulting, Inc. for Administration of the Loan and Rehabilitation Assistance Programs. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14162      **RESOLUTION NO. 08-217, APPROVE INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF TAYLORSVILLE FOR WEST VALLEY CITY TO PROVIDE ANIMAL CONTROL SERVICES TO THE CITY OF TAYLORSVILLE**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-217 which would approve an Interlocal Cooperation Agreement with the City of Taylorsville for West Valley City to provide Animal Control Services to the City of Taylorsville.

Mr. Pyle stated West Valley City had started providing comprehensive animal control services to the citizens of Taylorsville City last year. He also stated Taylorsville desired the City to continue to provide those services, including animal control administration, licensing, regulation and adoption of animals. He

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indicated the services would be at essentially the same level as those services provided within West Valley City. He stated the subject agreement would be for the term of one year, but could be extended upon annual negotiation of the parties. He advised the term of the agreement would be from July 1, 2008, through June 30, 2009.

After discussion, Councilmember Burt moved to approve Resolution No. 08-217, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and the City of Taylorsville in order for West Valley City to Provide Animal Control Services to the City of Taylorsville. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14163

**APPLICATION NO. PUD-6-2007, FILED BY EDMISTON HOMES, REQUESTING FINAL PLAT APPROVAL FOR CHESTERFIELD COTTAGES LOCATED AT 1545 WEST 2320 SOUTH (*CONTINUED FROM REGULAR MEETING HELD JULY 22, 2008*)**

City Manager, Wayne Pyle, presented Application No. PUD-6-2007, filed by Edmiston Homes, requesting final plat approval for Chesterfield cottages located at 1545 West 2320 South. Mr. Pyle reminded the Council regarding the reasons upon which the Application had been continued from the Regular Council Meeting held July 22, 2008.

Mr. Pyle stated the development consisted of 22 units on 2.3 acres. He further stated the proposed housing would be comprised of townhome units with common, limited common and private spaces. Each unit would have a two-car garage and private rear yard space. He indicated the minimum dwelling size for all units would be 1,700 square feet.

The City Manager reported access to the subdivision would be gained from 2320 South. He stated a stub street from the Center Pointe Hollow development to the west had been provided as well. This connection would allow secondary access



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should the Fire Department need it and would also provide connectivity from one neighborhood to the other. He stated after discussing this issue with both developers, they agreed leaving it open for the present time would be the appropriate thing to do. He indicated if in the future this access proved more problematic than beneficial it could be closed.

Mr. Pyle stated although proposed housing units would not have basements, the developer had submitted a soils report. This report indicated ground water had been encountered at a depth of four feet. He stated proposed dwelling units would be slab on grade so water elevations should not be a problem.

The City Manager stated the development would be managed by a homeowner's association (HOA). He further stated staff understood the association would be responsible to maintain the private street, all yard spaces, and open space areas. He reported staff had expressed concern about past projects being turned over to an inexperienced association, or projects that were turned over to the association without all development items being completed. Although the development agreement did not address this issue, staff would recommend the developer, HOA, and staff meet before the project was transferred to the association to ensure all development items had been completed.

Mr. Pyle reported the developer proposed 40% of this site would be open space as required by ordinance. He stated, of that percentage, approximately 10,500 square feet would be used for recreational opportunities. The developer would construct various tot lots, pavilions, benches and a sports court. He explained formal plans for these improvements had been submitted.

The City Manager stated the developer would fence a portion of the east side with a vinyl fence. He indicated fencing along the west boundary would be installed by the Center Pointe Hollow developer. The remaining site had been fenced by the Red Oaks developer. He stated although fencing had not been included in the development agreement, the developer had agreed to match the existing fence of the Center Pointe Hollow PUD to include fencing between units.

After discussion, Councilmember Coleman moved to deny Application No. PUD-6-2007, filed by Edmiston Homes. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes

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Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous. Application No. PUD-6-2007 denied.

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**CONSENT AGENDA:**

**A. RESOLUTION NO. 08-218, ACCEPT STORM DRAIN EASEMENT FROM DEAN L. SMITH & BONNIE B. SMITH FOR PROPERTY LOCATED AT 2602 SOUTH 3200 WEST**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-218 which would accept a Storm Drain Easement from Dean L. Smith and Bonnie B. Smith for property located at 2602 South 3200 West.

Mr. Pyle stated Dean L. Smith and Bonnie B. Smith were property owners and developers of the proposed D & G Scale project and had signed an easement for a City storm drain across the northerly ten feet of their property.

The City Manager reported an existing City storm drainage ditch ran across the northerly portion of the subject property between 3200 West and 3270 West. He indicated the ditch as required to be piped as part of the proposed D & G Scale project. He stated the easement had been required as a condition of approval for a building permit.

**B. RESOLUTION NO. 08-219, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ABRAHAM RAMIREZ-GOMEZ AND ALMA GABRIELA PENA FOR PROPERTY LOCATED AT 3617 WEST SHERLENE CIRCLE, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 08-219 which would accept a Grant of Temporary Construction Easement from Abraham Ramirez/Gomez and Alma Gabriela Pena for property located at 3617 W. Sherlene Circle regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Pyle stated Abraham Ramirez-Gomez and Alma Gabriela Pena had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He also stated grantors previously signed a Grant of Temporary Construction Easement which terminated December 31, 2007, and for which they had

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been compensated \$200.00. He indicated as the project was delayed until the 2008 construction season, a new easement had been required, which easement would automatically expire December 31, 2008.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 08-218 and 08-219 as presented on the Consent Agenda. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, AUGUST 12, 2008, WAS ADJOURNED AT 10:13 P.M., BY MAYOR NORDFELT.

I hereby certify that the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, August 12, 2008.

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Sheri McKendrick, MMC  
City Recorder